



Kane County Attorney's Office

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TOM CRAM  
KANAB CITY CHIEF OF POLICE  
140 E 100 S  
KANAB, UT 84741

Re: Case review of altercation at the corner of 300 S and 100 E (Incident P2010069)

Dear Chief Cram,

This office has reviewed the case file that you delivered to us, which included video, witness statements, and a police report. We also staffed this case personally with you. Our standard for screening is to only bring charges if, based on admissible evidence, there is a reasonable likelihood of success at trial. Because this letter is being made public, we are limited in what information we can disseminate under Rule 3.6 of the Rules of Professional Conduct. Hence, we will only refer to the relevant code sections and our conclusions for filing and declining charges.

The relevant statutes are Disorderly Conduct (Utah Code 76-9-102(2)(a) and (b)), Assault (Utah Code 76-5-102), Threat of Violence (Utah Code 76-5-107), and Utah's hate crimes and victim targeting statutes (Utah Code 76-3-203.14 and 76-3-203.3). Under our standard for screening, we have concluded to file an Information charging Robert Brissette with two counts of Disorderly Conduct, as infractions.

There were two women who struck Mr. Brissette in reaction to his behavior. We have

concluded that there is not a reasonable likelihood of success at trial regarding the first woman because her conduct appears to fall under Utah's self-defense statute, found in Utah Code 76-2-402. The second woman's hitting of Mr. Brissette does not so clearly fall into the self-defense statute. However, we find that under our standard there is not a reasonable likelihood of success at trial for such a charge given the circumstances, especially in light of an individual's non-duty to retreat as found in Utah Code 76-2-402(4)(a).

Please contact me if you have any questions or concerns.

Sincerely,

Jeffrey N. Stott  
Chief Deputy Kane County Attorney/Kanab City Attorney